REMARKS

Claims 1-23, 25-27, 31-34, and 36-38 remain in the application and claims 1, 7, 13, 15, 17, 21, 25-27, 31, 34, and 36-38 have been amended hereby. Claims 20, 24, 28-30, 35, and 39-41 have been canceled, without prejudice or disclaimer.

Claims 20, 24, 29, 30, 40, and 41 have been canceled, thereby rendering the rejection thereof moot.

Reconsideration is respectfully requested of the rejection of claims 17-20 and 25 under 35 USC 102(e), as being anticipated by Tatebayashi et al.

Features of the apparatus and method for avoiding illegal decryption of transmitted data according to the present invention are a random-noise-adding unit (11 in Fig. 2) for inserting random data having an arbitrary data length to the transmitted data. See Fig. 3C of the present application, for example.

An advantage of these features of the present invention is that they make it more difficult to carry out an illegal decryption. See page 18, lines 2-5 of the present application, for example.

Independent claims 1, 7, 13, 15, 17, 21, 25-27, 34, and 36-38 have been amended to recite these features of the present invention.

Tatebayashi et al. relates to a method for transferring a secret key using a message (M) as a carrier. See col. 4 lines 26-32 of Tatebayashi et al.

Looking at Tatebayashi et al. we see that there is no inserting of random data into the data to be transmitted. The message (M) of Tatebayashi et al. is encrypted and transmitted separately from the data. See path formed by 101, 102, and 110 in Fig. 1 for transmitting and encrypting the data, and path formed by 106, 107, and 112 in Fig. 1 for generating and encrypting the message (M) in the system taught by Tatebayashi et al.

Further, looking at Tatebayashi et al. we see that there is no inserting of random data having an arbitrary data length into the data to be transmitted. The message (M) of Tatebayashi et al. is inherently a random number of a fixed length.

Accordingly, it is respectfully submitted that amended independent claims 17 and 25, and the claims depending therefrom, are not anticipated by Tatebayashi et al.

Reconsideration is respectfully requested of the rejection of claims 1-6, 13, 14, 27-35, and 36-41 under 35 USC 103(a), as being unpatentable over Tatebayashi et al. in view of Wasilewski.

It is respectfully submitted that the combination of Tatebayashi et al. and Wasilewski fails to show or suggest the inserting of random data into the data to be transmitted and the random data having an arbitrary data length.

As discussed above, the message (M) of Tatebayashi et al. is encrypted and transmitted separately from the data and is inherently a random number of a fixed length and, because there

are no features in Wasilewski that somehow could be combined with Tatebayashi et al. and result in the presently claimed invention, it is respectfully submitted that amended independent claims 1, 13, 27, 34, 36, 37, and 38, and the claims depending therefrom, are patentably distinct over Tatebayashi et al. in view of Wasilewski.

Reconsideration is respectfully requested of the rejection of claims 7-12, 15, 16, 21-24, and 26 under 35 USC 103(a), as being unpatentable over Tatebayashi et al. in view of Wasilewski and in further view of Holtz.

It is respectfully submitted that the combination of Tatebayashi et al., Wasilewski, and Holtz fails to show or suggest the removing of random data having an arbitrary data length from received encrypted data.

As discussed above, and as clearly shown in Fig. 1 of Tatebayashi et al., the message (M) of Tatebayashi et al. is encrypted, transmitted, and received separately from the data and is inherently a random number of a fixed length and, because there are no features in Wasilewski and Holtz that somehow could be combined with Tatebayashi et al. and result in the presently claimed invention, it is respectfully submitted that amended independent claims 7, 15, 21, and 26, and the claims depending therefrom, are patentably distinct over Tatebayashi et al. in view of Wasilewski and in further view of Holtz.

The prior art made of record and not relied upon has been

reviewed and is not seen to show or suggest the present invention as recited in the amended claims.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,
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